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Note verbale dated 3 February 2014 from the Permanent Mission of the State of Eritrea to the United Nations Office at Geneva and other international organizations in Switzerland addressed to the Office of the President of the Human Rights Council

The Permanent Mission of the State of Eritrea to the United Nations Office at Geneva and other international organizations in Switzerland presents its compliments to the Office of the President of the Human Rights Council, and has the honour to submit a response to note verbale dated 24 January 2014 from the Permanent Representative of the Federal Democratic Republic of Ethiopia addressed to the secretariat of the Human Rights Council (A/HRC/25/G/4).

Please find herewith the response of the Permanent Mission of the State of Eritrea to the United Nations,* to be circulated as an official letter to all States Members of the Human Rights Council, posted on the extranet and considered by the Council at the upcoming twenty-fifth session.

* Circulated as received, in the language of submission only.

Annex

[English only]

Excellency,

It has become a public knowledge that in the last month the Permanent Mission of the Federal Republic of Ethiopia has been campaigning against Eritrea's UPR National Report. This has culminated in the Diplomatic Note 411/2014 of 6 January 2014 addressed to your Excellency as the President of the Human Rights Council. The desperate request is to remove paragraphs 84, 91 and 92 of the National Report under the claim that they contradict the procedural principles and guidelines of the HRC. This letter thus focuses on Ethiopia's campaign in the pretext of Eritrea's UPR Report and the three implied dimensions which negate reality and deny the essence of the prevailing problems and related issues.

Eritrea sees this opportunity as a process of internal reflection on achievements, shortcomings as well as challenges and constraints towards its efforts in the implementation of its human rights obligations. The inclusion of challenges, constraints and best practices in Eritrea's National Report are in full conformity with the provisions of the relevant Human Rights Resolutions, A/RES/60/251, A/HRC/RES5/1, A/HRC/RES/16/21 and other relevant instruments in particular, decision 6/102 paragraph 1 (d). Therefore, for Ethiopia to talk about procedural flows in the UPR Report and consider it politically oriented is an attempt to impede the UPR process of Eritrea. It is a dodgy rebuttal that does not match the basic underlying principles. In this regard, the following reasons need to be noted:

- It is the sovereign right of every member state to discuss issues that impact on the full enjoyment of all human rights and fundamental freedoms.
- It is a basic principle of the HRC that human rights, peace and development are intrinsically related, and no other right is fully enjoyed without security. Eritrea has shown this aspect in its report by exposing the violation of the right to peace and the right to development of the Eritrean people which overall affect the promotion of human rights and fundamental freedoms.

While the above are essential elements which need to be acknowledged, Eritrea will continue to focus on the fundamental Human Right issues within the appropriate context for the success of the UPR process. This essentially emanates from Eritrea's expanded vision and practice that the Report first and foremost is to be used as an objective internal reflection that would strengthen and sustain engagement, dialogue and cooperation with members and partners.

Moreover, in terms of strategy, it would also lay a strong basis to raise commitment, and develop a systemic approach to mainstream and institutionalize human right issues in the nation building process. These are genuine goals that will not be distracted by Ethiopia's desperate efforts to use the UPR mechanism as a way of diverting attention from essential issues and problems.

The second aspect of Ethiopia's diplomatic note is its denial to its continued occupation of sovereign Eritrea's territory. This is an insult to the intelligence of the Human Rights Council and to those that closely follow the issues of Horn of Africa. The false argument provoked by Ethiopia on procedures as outlined above, is an open sophistry to camouflage the truth and reality. This is not new but again the truth and the essence must be put into the proper context. The following three points are worth mentioning on Ethiopia's violation of its treaty obligation:

- It has been 12 years now since the Eritrea Ethiopia Boundary Commission delivered its final and binding delimitation decision and has elapsed over six years since it concluded its delimitation and demarcation decisions. Yet, Ethiopia continues to occupy Badme and others territories awarded to Eritrea.
- Ethiopia's obsession on dialogue is long overdue and it has been essentially to change the final and binding ruling in its favour. As asserted by the President of the Boundary Commission: "Ethiopia is dissatisfied with the substance of the Commission's Delimitation Decision and has been seeking, ever since April 2002, to find ways of changing it". Similarly, in his Report of January 22, 2007, the UN Secretary General stated: "Ethiopia's refusal to implement - fully and without preconditions - the final and binding decision of the Boundary Commission remains at the core of the continuing deadlock".
- The implications in terms of peace, security and development is to bring an end to Ethiopia's occupation of sovereign Eritrean territories so as to lay a foundation for the normalization of relations and confidence building measures that would benefit both countries and the Horn Region.

The last aspect of the fallacy contained in the Diplomatic Note is Ethiopia's declared belligerent stance on Eritrea. This requires major attention as it is geared towards regime change. This is another dangerous game with fatal consequences to the region and the evidence has been submitted to the UN and to the Human right Council on various occasions.

It is an open secret that the late PM Meles Zenawi once declared to his parliament that Ethiopia will arm any Eritrean opposition groups. Accordingly, the Government of Ethiopia has been hosting, training, assisting and arming anti Eritrean elements, including Eritrean Jihad Group with known connections to Al Qaeda to effect regime change in Eritrea.

In this context, while Ethiopia's defiance to international law and occupation of Eritrean territories should be dealt with by international law, but its occupation of Eritrean territories is also a violation of the right to peace and development, and thus requires proper actions under Item 7 of the Human Right Council.

Eritrea's right to present its UPR report should be respected and should not be allowed to be hindered by any state that attempts to politicize issues of human rights. Therefore, Ethiopia's diplomatic note must be rejected. Eritrea, like any other state under review, may not be muzzled from addressing issues of concern that impact the full enjoyment of all human rights.

I wish to assure Your Excellency that Eritrea will fully cooperate in preserving the integrity of the Universal Periodic Review mechanism.

Please accept, Excellency, the assurances of my highest consideration.

Adem Osman
Second Secretary